

REMARKS

Claims 32-34, 36, 39-41, 44, 46, 51, and 65-93 remain pending in this application. Of these, claims 66-93 stand rejected, claims 32-34, 36, 39-41, 44, and 46 have been allowed, and claims 51 and 65 stand objected to.

Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Objections

Claim 51 and 65 have been objected to, because they depend from a cancelled claim. Applicant has accordingly amended claims 51 and 65 to depend from pending claim 32. As such, Applicant respectfully requests withdrawal of the objections of claims 51 and 65.

Claim Rejections

Claims 66-93 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 5,855,576 (LeVeen et al.) in view of U.S. Patent No. 5,356,421 (Castro). Applicant respectfully traverses this rejection, since neither of LeVeen et al. nor Castro, alone or in combination, disclose, teach, or suggest the combination of elements required by claims 66-93.

In particular, independent claim 66 has been amended to require the cover to have a slot that extends along the face of the cover to the lateral edge of the cover. The slot is configured to laterally receive the probe. Support for this amendment can be found in Figs. 2 and 5 and the specification at page 17, lines 15-17. In contrast, the disk-shaped proximal end of the LeVeen cannula 502 does not have such a slot for receiving the probe 516, and Castro does not supplement this lack of disclosure.

Independent claim 73 has not been amended, because it already requires a connector that selectively attaches the cover to the probe at different axial positions along the probe—an element

not disclosed either LeVeen or Castro. Notably, the connector mechanism 47 mounted to the obturator 12 of Castro is designed to fit within a single pair of corresponding slots in the cannula 20 (see col. 4, lines 25-30). As such, the connector mechanism 47 is not designed to selectively attach the obturator 12 at different axial positions along the cannula 20, but rather a single axial position along the cannula 20, and thus, there is no teaching or suggestion that a connector can be used to selectively attach the proximal end of the LeVeen cannula 502 at different axial positions along the probe 516.

Independent claim 80 has not been amended, because it already requires the cover to span at least the region of tissue spanned by the deployed electrodes—an element not disclosed or suggested by LeVeen or Castro. Although the Examiner stated in the Office Action that the dimensions of the “cover” would have been determined through routine experimentation, there is no motivation and no apparent reason to increase the size of the proximal end of the LeVeen cannula 502 to span the region of tissue spanned by the deployed electrodes 520. Notably, there is no disclosure in LeVeen of what the disk-shaped proximal end of the cannula 502, and thus, after a fair reading of the LeVeen of disclosure, one of ordinary skill in the art would not know how or what to optimize the disk-shaped proximal end to. Certainly, one of ordinary skill in the art would not be motivated by the LeVeen disclosure to increase the size of the disk-shaped proximal end to span the region spanned by the deployed electrodes 520, so that, e.g., accidental exposure of the electrodes above the tissue surface can be prevented by the cover. (See specification, page 2, lines 29-31; page 7, line 30 to page 8, line 3).

Independent claim 87 has been amended to require the cover to be adapted for placement on the tissue surface without penetrating the target region. In contrast, the distal end of the LeVeen

cannula 502 is designed to penetrate the target region TR if its disk-shaped proximal end is placed against the tissue surface.

Thus, Applicant submits that independent claims 66, 73, 80, and 87, as well as the claims depending therefrom (claims 67-72-74-79, 81-86, and 88-93), are not obvious over the combination of LeVeen and Castro, and as such, respectfully requests withdrawal of the rejections of these claims.

Claim Allowance

Applicant graciously acknowledges the allowance of claims 32-34, 36, 39-41, 44, and 46.

Conclusion

Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

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